

## 21 C.J.S. Courts § 267

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### Courts

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### VIII. Concurrent and Conflicting Jurisdiction

#### A. Courts of Same State

#### 2. Transfer of Cases

##### b. Mode of and Procedure for Transfer; Denial of Transfer

### § 267. Consent of judges for transfer of case

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  487(1)

**Under rules governing particular courts or cases, the consent of both the transferor and the transferee judge may be required to transfer a case.**

Under rules governing particular courts or cases, the consent of both the transferor and the transferee judge may be required to transfer a case.<sup>1</sup> If the required consent is not obtained, the transferee judge may not acquire jurisdiction of the case and has no authority to enter any orders therein.<sup>2</sup>

Under a statute providing that where an action pending in the state supreme court affects the administration of a decedent's estate, the supreme court may remove the action to the surrogate's court "upon the prior order of the surrogate's court," it has been held that no prior consent of the

surrogate is necessary to a transfer; rather, it is the court's duty to accept the transfer if it be so ordered by the supreme court.<sup>3</sup>

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## Footnotes

- 1 Ind.—[Kozacik v. Porter Superior Court](#), 462 N.E.2d 1314 (Ind. 1984).  
**Related cases**  
Tex.—[In re U.S. Silica Co.](#), 157 S.W.3d 434 (Tex. 2005).
- 2 Ind.—[Kozacik v. Porter Superior Court](#), 462 N.E.2d 1314 (Ind. 1984).
- 3 N.Y.—[Collins v. Manufacturers Hanover Trust Co.](#), 124 Misc. 2d 907, 478 N.Y.S.2d 236 (Sup 1984).

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